

The August meeting of the Commissioners, of the WEST COAST INLAND NAVIGATION DISTRICT, was held August 12, 1968, in the Civil Defense Auditorium, Bradenton, Florida.

Present:

Ellsworth G. Simmons, Chairman, Hillsborough County
 A. L. Anderson, Vice Chairman, Pinellas County
 Mrs. Dorothy R. Flowers, Secretary, Charlotte County
 Kenneth D. Dierks, Treasurer, Manatee County
 Kenneth W. Daniels, Lee County
 Robert M. Wright, Sarasota County

Harlan T. Johnson, Executive Director
 Gilbert A. Smith, Associate Counsel
 John R. Van Norman, Jr., Right of Way Agent

ADMINISTRATION

The Chairman called the meeting to order at 10:30 a.m. Minutes of the July 15 meeting were approved as presented. The Treasurer's Report was read and approved. Vouchers #5498 through 5530 were approved for payment.

HEARING OF INDIVIDUALS

Mr. Horace Sutcliffe, Jr., Hydrologist, U.S. Geological Survey, gave an oral report regarding the Venice Well Field. Wells 22 - 32 in the Venice Well Field had been shut down since June due to an increase in chlorides caused by saline spoil pumped into S/A S3-4 after the hurricane broke the dam in 1966. The amount of saline water contamination is limited, but wells may not clear up unless they are pumped. They are not being pumped due to excessive salinity with resulting difficulty in blending to a product which will meet health standards. Water from the Canal is not causing a problem. Copies of the published report will be presented to the West Coast Inland Navigation District before the next Board Meeting in September.

PROGRESS REPORT

SCL Bridge at Placida - A conference between representatives of the Corps of Engineers, SCL Railroad Company, J. E. Greiner Company, and the WCIND was held on Friday, August 9. A tentative agreement was reached: The Corps of Engineers will take soundings to determine conditions actually existing. The SCL will accept sheet steel siding to hold sand around the present turntable rather than require concrete, in accordance with a previous plan. This will reduce the cost. The

-2-

J. E. Greiner Company will draw up a plan and get SCL approval. When this approval is granted, they will prepare a rough cost estimate for consideration by the WCIND. This suggested plan is in keeping with the desires of the Corps of Engineers and acceptable to the SCL.

Mr. Anderson said that WCIND should have a legal opinion as to the responsibility of this Agency to proceed in this manner.

Mr. Daniels cautioned that the plans of the SCL are not definite. More information should be available shortly, and the WCIND should not make a definite commitment until additional information is available.

The Chairman stated that what the Director had been doing, up to this point, was what the Board asked him to do, and the program as outlined by the Director is in keeping with what the Board had in mind. To be sure, a legal opinion is in order.

Mr. Anderson expressed his thought that the right of navigation is superior to the right of the SCL Railroad, and unless that thought can be overcome he had grave doubt about the WCIND position.

Mr. Smith replied that he would not give an oral opinion at this time but wished to point out that the Corps of Engineers did grant a permit and WCIND has been in contact with the Corps of Engineers since 1959 or 1960 about modifying this bridge. This is one of the commitments that the Board made, that they would modify the bridge.

Mr. Anderson stated that if we were in error in making this commitment we should correct it before we spend the money.

The Chairman suggested that the Board ask the Director to continue to develop the plan that he has pursued, at the instruction of the Board, and that the attorney give a legal opinion as to WCIND responsibilities in this case.

Motion was duly made and carried that the Chairman's suggestion be approved.

S/A's - Pinellas County - The Director reported that excellent cooperation was being received from Pinellas County personnel and good progress was being made in obtaining pipeline easements from public agencies. Tangible results should be expected in the next month.

-3-

Mr. Simmons observed that some of the easements being obtained were cancelable. He felt that this could impose a hardship in development of the areas around such easements since persons interested in development would not know positively if the easement would be used or canceled. This would also impose a hardship on the WCIND and the Corps of Engineers. Mr. Simmons suggested that the policy regarding cancelable easement should be re-examined.

S/A P-33 - Mr. Jack Van Norman reported on plans for procurement of S/A P-33. This area would not be involved in any change in policy since it is an upland spoil area. The only related problem which might occur concerns the removal of spoil to make room for additional dredging.

Mr. Anderson reported that he had discussed the procurement of Pinellas County spoil areas with Mr. Van Norman and approved the action being taken. He further stated his belief that easements should be permanent.

The Director reported that the purchase of S/A P-33 was in accordance with a requirement established by the Corps of Engineers. The size of the area under consideration is approximately 20 acres and the appraised value is \$4,500.00 per acre. Mr. Van Norman was negotiating with the owners to reduce the size of the area, leaving the present owners the waterfront. At present the owners are willing to sell within the appraised value and to grant the necessary pipeline easements.

It was duly moved and seconded that the purchase of S/A P-33 be approved.

Mr. Simmons stated his belief that waterfront should be obtained where feasible and where it would accrue to the public benefit; however, in this case, he wished to defer to Mr. Anderson. Mr. Anderson agreed with the views of the Chairman. These views should be kept in mind when negotiating for this spoil area and others.

Sarasota County Spoil Areas - Mr. Smith reported that he had corresponded with Mr. Nelson, Sarasota County Attorney, who wanted three things in the easements:

1. Removal of rocks left on beach after dredging over 1" in diameter.
2. Easements for maintenance only.
3. Easements terminable on one year's notice.

-4-

Mr. Smith had redrafted the easements, incorporating suggested amendments, and forwarded them to Mr. Nelson on July 10, 1968.

Mr. Simmons stated his belief that planning and development could proceed in a more orderly manner if the cancellation clause were not present.

Mr. Wright expressed the desire of Sarasota County to cancel the easements if material pumped to beaches was not acceptable or if objectionable material was not removed as represented.

The Chairman agreed that relief should be granted if the WCIND represented something falsely but was disturbed at the idea that the easements could be canceled without due cause. He felt that WCIND had a definite obligation to remove rock and other objectionable material.

Mr. Wright asked who would determine what is a justifiable reason for cancellation.

Mr. Smith stated that it would be the Sarasota County Board, but that no criteria had been established.

Mr. Anderson expressed his belief that a cancelable easement amounted to nothing. Money and effort spent in acquiring them are just wasted.

The Director pointed out that they cost nothing and do meet the WCIND obligation. The Corps of Engineers had reluctantly agreed to accept them. He stated that this was the best that could be obtained in Sarasota County.

The Chairman pointed out that WCIND had authority to get something better, although he did not wish to abuse that authority, ever. He was concerned with the effect of present decisions on the situation five, ten, or fifteen years from now. He believed that there should be something permanent, of record, that people could plan around. He felt that criteria for use could be established.

Mr. Daniels discussed the problem arising with new agencies, new owners, and new buildings.

Mr. Dierks questioned the applicability of bonding procedures.

Mr. Simmons suggested that criteria be established which must be

5

fulfilled before the easements could be canceled. He wanted to protect people administering the Waterway in the future.

Mr. Wright suggested that justifiable reasons be determined by the Board, WCIND.

Mr. Anderson stated his firm support for easements that can not be canceled.

The Director reported that Sarasota County had been informed that WCIND and the Corps of Engineers would accept cancelable easements.

Mr. Simmons suggested that the Board, after review and consideration of prior action regarding easements, desired that no action be taken to obtain cancelable easements until this matter has been studied further and additional instructions provided.

Motion was duly made and carried that the Chairman's suggestion be approved.

TSA-27 - The Contract was readvertised. Permits were extended by the TIIIF and North Casey Key Reclamation District.

S/A S3-3 - The Director stated that he made a tentative, oral agreement with Mr. Dale Morrison to correct drainage, grade banks in spoil area and plant grass seed provided by WCIND in return for 1,500 yards of spoil. Agreement was based on 10 cents per yard for spoil. He requested approval of suggested course of action.

Motion was duly made and carried that the recommendation of the Director be approved.

Charts - A set of charts showing the project, including all the spoil areas, was presented for examination by the Board. These are available as desired.

Dredging Contract - The bids for dredging the shoals near Midnight Pass and at the Bulkhead will be opened on 20 August.

Shoal near DMs 27 - 29 - At the request of WCIND, the Corps of Engineers has ordered a survey.

Venice Jetties - The Director reported that the Corps of Engineers is not going to repair the Venice Jetties this year. It is a larger

-6-

job than they had planned; available money has been spent largely on planning. It is now planned for a more sizeable project and may require authorization from Congress as part of a 1970 appropriation.

Rohmann Claim - Venice Area - The Director reported that due to erosion north of the Hatchett Creek Bridge, affecting both the Rohmann and the WCIND property, rip rap was planned some months back. This is to be done by Corps of Engineers contract. Recently erosion has increased rapidly. Following recent inspections by Mr. Van Norman, Mr. Dye, and the Director, an agreement was reached. A quit claim was signed by Mr. Rohmann to release WCIND from damages to his property. In return the WCIND would agree to fill in with dirt behind the rip rap and pay him \$25.00 with which he could replace the grass. Unless there is a severe storm before the work is finished, the cost to WCIND should be under \$100, since the C.E. contractor has agreed to fill from the Waterway at a nominal fee. If there is a severe storm before the work is accomplished, the cost to the WCIND could be far greater, but if there were no agreement this expense would probably be a valid claim.

Motion was duly made and carried that this recommended action be approved.

Matching Funds - The Director reported that Resolution No. 68-13 has been approved; Resolution No. 68-14 is being returned for additional changes.

Litigation

Mr. Smith reported on Bernhard vs. WCIND. Deposition was taken from Mr. Von Neuman and trial has been set for October 18. Mr. Smith stated that in his opinion, from the evidence, there is no basis for a claim.

City of Venice vs. Norfolk Dredging Company - No trial date has been set for proceedings on this case.

Motion was duly made and carried that the Progress Report be accepted as presented.

NEW BUSINESS

S/A S-9 (Section 2) - The Director reported that he had recently discussed the matter of S/A S-9 with Mr. Wright. This matter has also been previously discussed with the Board. S/A S-9 is the last area

-7-

on Manasota Key required by the Corps of Engineers. Negotiations have been conducted for over a year. The owner of an available lot, Mr. George Brown, has agreed to accept \$220.00 per front foot, the appraised value, which amounts to \$22,000. Although the purchase of this area would conflict with the former policy of securing cancelable pipeline easements, we had not been able to find a free, cancelable easement, or any other available easement, in this area. This purchase would be a solution to the WCIND problem, the only known, practical solution. Mr. Wright stated his approval for the WCIND purchase.

Motion was duly made and carried that this purchase be made in keeping with the appraisal.

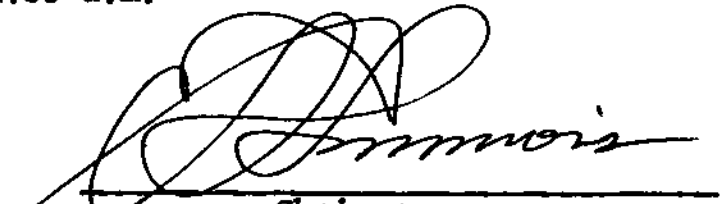
The Chairman reported that there is a meeting of the National Waterways Conference in Atlanta on October 17-18, 1968, for which members have received invitations.

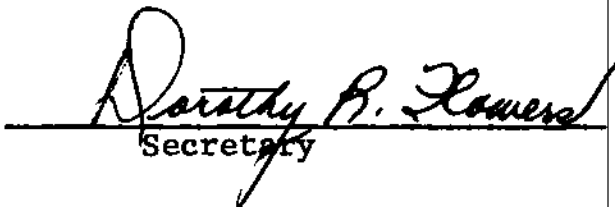
Motion was duly made and carried that members of the Board, the Director, and the Attorney be authorized to attend at WCIND expense.

The Director reported that the Gulf Intercoastal Waterways Meeting will be held September 29-30, in Galveston, Texas; the Florida Waterways Association Meeting will be held November 14-16, in Sarasota.

Next Meeting Date - The next meeting date was set for Monday, September 16, 1968.

The meeting adjourned at 11:35 a.m.


Chairman


Secretary

PROGRESS REPORT

July 10, 1968 - August 6, 1968

CONSTRUCTION

Canal Bank Treatment - Venice Area - Progress is satisfactory. Stone work should start about 1 September.

BRIDGES

SCL Bridge at Placida - The J. E. Greiner Company has been requested by letter to submit recommendations. A conference between representatives of the Corps of Engineers, SCL Railroad Company, J. E. Greiner Company, and WCIND is being arranged.

LANDS

S/A's-Pinellas County - Mr. Van Norman conferred with Mr. Paul Bumiller, Pinellas County R/W Agent, during an inspection of proposed easements on 1 August. Pinellas County is being most cooperative and good progress is being made. Abstracts have been ordered.

Right of Way, Pinellas County - Mr. Bumiller reported that several encroachments have developed since the waterway was constructed. These are being investigated.

Title Insurance, Pinellas County - Title insurance for present right-of-way and spoil areas was accepted by the Corps of Engineers.

S/A's-Sarasota County - The attorney for Sarasota County returned the proposed easements for additional changes.

TSA - 27 - The TIIF extended the temporary permit for spoil placement to April 1, 1969. A similar extension was received from the North Casey Key Beach Reclamation District. An extension of the pipeline easement has been requested from the Burkhardts. Approval is expected soon.

S/A S3-3 - Mr. Dale Morrison was requested by the Director to investigate the blocked drainage ditch and to estimate the cost to correct the situation. In the Director's absence, Mr. Morrison called Mr. Van Norman and requested permission to remove material from the spoil area in exchange for work to correct drainage problems. This authority was granted and approximately 800 yards was removed from the borrow area in the north face. On July 31 the Director inspected the property with

-2-

Mr. Morrison and an informal agreement was reached which provided for Mr. Morrison to correct drainage, grade banks of spoil area and plant grass seed provided by WCIND in return for 700 more yards of spoil. Agreement is based on 10 cents per yard for spoil. At time of inspection, water in drainage ditch was about one foot deep.

The State Road Department removed 38 yards of material to repair washout at Roberts Bay Bridge.

S/A S3-4 - The State Road Department removed practically all available rock to repair washout at Roberts Bay Bridge.

Cape Haze Right of Way Exchange - A copy of the deed to 50' on west side of Waterway has been obtained from Cape Haze Corporation. The deed is being recorded.

ADMINISTRATION

Fiscal - Certificates of Deposit for \$50,000 were renewed for 7 months at 5 per cent in the Inter City Bank and Bank of Palmetto.

Project Maps - Normal progress continues. The initial draft should be completed about 1 October. These maps made obvious certain discrepancies. Easements have been requested from the State Road Department to right-of-way under Cortez Road Bridge and Manatee Avenue Bridge.

S/A L - 9 - Corrective deed was requested from the TIIF.

Watermain, Manasota Key - Contract has been awarded and work has started.

Dredging Contract - Plans and specifications for dredging the shoals near Midnight Pass and at the Bulkhead were issued. Bids will be opened on 20 August. Work must be started within 30 days and completed within 120 days of notice of acceptance. If there are no bidders the Corps of Engineers plans to negotiate a contract or do the work with their own force.

Shoal near DMs 27 - 29 - A shoal reported on the east side of the Channel near DMs 27 - 29 was investigated by Mr. Van Norman. The Channel appears to have project width but the location in relation to the markers appears questionable. Boats approaching from the south sometimes go aground. The Corps of Engineers will investigate to determine if it is desirable to dredge or to move the markers.

-3-

Rohmann Claim (Venice Area) - Mr. Rohmann's claim for loss of property was investigated by Mr. Dye, Mr. Van Norman, and the Director, and a tentative agreement was submitted to the Rohmanns for approval.

Matching Funds - Information has been received that Resolution No. 68-13, for \$24,900, has been approved by the TIF; Resolution No. 68-14 is being returned to WCIND for additional changes.

S/A Conference - Mr. Dye and Mr. Van Norman conferred with the Corps of Engineers representatives in Jacksonville on July 26 concerning spoil area requirements.

Florida Wildlife Federation Meeting - The Director attended the meeting on July 27 and 28.

Public Relations - The Director will address the Venice Rotary Club on August 8, 1968.

LITIGATION

City of Venice vs. Norfolk Dredging Company - Conferences were held with City of Venice and Corps of Engineers representatives.

Bernhard vs. WCIND - Deposition was taken from Mr. Von Neuman.